

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FREE STATE OF BAVARIA, *represented by*
THE UNIVERSITY OF WÜRZBURG,

Plaintiff,

V.

THE OHIO STATE UNIVERSITY, *et al.*,

Defendants.

Case No. 2:22-cv-02580-SDM-CMV

Judge Sarah D. Morrison

Magistrate Judge Chelsey M. Vascura

JOINT STATUS REPORT

Pursuant to the Court’s Notation Order entered on October 25, 2023, (ECF No. 87), in the above-captioned proceeding, Plaintiff Free State of Bavaria, represented by The University of Würzburg (“UW”), Defendants Nationwide Children’s Hospital and The Research Institute at Nationwide Children’s Hospital (together, “NCH”), and Defendant Dr. Brian Kaspar (“Dr. Kaspar”), through their undersigned counsel, hereby submit this joint status report.

By way of Opinion and Order entered on April 24, 2023, (ECF No. 85), the Court stayed this matter pending resolution of UW’s related state action against The Ohio State University (“OSU”) before the Ohio Court of Claims (the “State Action”). The Court contemporaneously denied NCH and Dr. Kaspar’s Motions to Dismiss (ECF Nos. 58, 59) without prejudice to refile after the stay is lifted. (ECF No. 85 at 11).

UW's State Action, captioned *Free State of Bavaria, represented by The University of Würzburg v. The Ohio State University*, No. 2022-00495JD (Ohio Ct. Cl.), will proceed to a bench trial before the Honorable David E. Cain on May 6 through May 10, 2024. All of UW's claims against OSU, other than the claim for Rescission, remain for determination at trial after Judge Cain granted in part and denied in part OSU's Motion for Summary Judgment on February 28, 2024. On March 18, 2024, UW and OSU filed their respective pretrial statements and exhibit lists, and on March 25, 2024, Judge Cain held a pretrial conference and established a schedule for UW's and OSU's submission of trial materials to the Court. As it relates to the parties in the instant case, UW expects to present at trial the designated video-recorded deposition testimony of Dr. Kaspar.

Accordingly, the parties respectfully request the opportunity to file another joint status report with the Court upon the resolution of the State Action or in three months, whichever is earlier. The parties thank the Court for its continued attention to this matter.

(Signatures on following page)

Respectfully submitted,

/s/ Justin M. Croniser

Justin M. Croniser (0079462)
HAHN LOESER & PARKS LLP
200 Public Square, Suite 2800
Cleveland, OH 44114
Telephone: (216) 621-0150
Fax: (216) 241-2824
jcroniser@hahnlaw.com

-and-

Joseph V. Saphia (NY Bar No. js3680; PHV)
Trial Attorney
Jessica H. Zafonte (NY Bar No. jz7813; PHV)
CHIESA SHAHINIAN & GINTOMASI P.C.
11 Times Square, 34th Floor
New York, NY 10036
Telephone: (212) 324-7229
jsaphia@csglaw.com
jzafonte@csglaw.com
*Attorneys for Plaintiff Free State of Bavaria,
represented by The University of Würzburg*

/s/ Shawn J. Organ (per email consent 04/18/24)

Shawn J. Organ (0042052)
Trial Attorney
Connor A. Organ (0097995)
ORGAN LAW LLP
1330 Dublin Road
Columbus, OH 43215
Telephone: (614) 481-0900
Fax: (614) 481-0904
sjorgan@organlegal.com
corgan@organlegal.com

-and-

Andrew K. Walsh (PHV)
Emerson Bursis (PHV)
HUESTON HENNIGAN LLP
523 West 6th Street, Suite 400
Los Angeles, CA 90014
Telephone: (213) 788-4340
awalsh@hueston.com
ebursis@hueston.com
Attorneys for Defendant Dr. Kaspar

/s/ Kara M. Mundy (per email consent 04/18/24)

William G. Porter (0017296)
Trial Attorney
Kara M. Mundy (0091146)
VORYS, SATER, SEYMOUR AND
PEASE LLP
52 East Gay Street
Columbus, OH 43216
Telephone: (614) 464-5448
Fax: (614) 719-4911
wgporter@vorys.com
kmmundy@vorys.com

-and-

Natalie A. Bennett (PHV)
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, 7th Floor
Washington, DC 20004
Telephone: (202) 739-5559
Fax: (202) 739-3001
natalie.bennett@morganlewis.com

-and-

John V. Gorman (PHV)
Rachel A. Ward (PHV)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: (215) 963-5000
Fax: (215) 963-5001
john.gorman@morganlewis.com
rachel.ward@morganlewis.com

-and-

Krista Vink Venegas, Ph.D. (PHV)
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive, Suite 2800
Chicago, IL 60606
Telephone: (312) 324-1736
krista.venegas@morganlewis.com
*Attorneys for Defendant Nationwide
Children's Hospital and The Research
Institute at Nationwide Children's Hospital*

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2024, I caused the foregoing Joint Status Report to be electronically filed with the Clerk of Court and served on all counsel of record via the CM/ECF filing system.

/s/ Justin M. Croniser

Justin M. Croniser

One of the Attorneys for Plaintiff